

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

MAR 2 0 2015

REPLY TO THE ATTENTION OF: WC-15J

<u>CERTIFIED MAIL</u> 7009 1680 0000 7678 6737 RETURN RECEIPT REQUESTED

Ex. 6 (Personal Privacy)

Ex. 6 (Personal Privacy)

Farms, Inc.

Ex. 6 (Personal Privacy)

Subject:

Farms, Inc.

Notification of Closure of Administrative Consent Order Docket No. V-W-12-AO-14

Ex. 6 (Personal Privacy)
Dear

The purpose of this letter is to provide notification of our closure of Administrative Consent Order, Docket No. V-W-12-AO-14 based upon findings of a field inspection of Farms, Inc. conducted by EPA in your presence on October 2, 2014. Please find a copy of the report for that inspection enclosed.

Based on observations made during the walk-through inspection, EPA found that Farms, Inc. had responded favorably by taking actions that addressed and mitigated previously identified areas with runoff pathways of process wastewater to waters of the United States at both the south and north farms.

The inspection demonstrated that you had removed heifers from the outdoor pens at both the north and south farms in areas that had previously had manure and process wastewater confinement problems. Additionally, EPA observed that a berm had been constructed to prevent runoff of process wastewater from the silage storage area to the north at the south farm and this berm was sufficient to prevent silage leachate process wastewater runoff to the west. EPA witnessed that you are now storing distillers grains indoors at the south farm and that you are employing the use of best management practices at the mixing pad area, the free stall barn, and at the silage and haylage storage areas. Immediate cleanup methodologies are now being practiced.

The inspection also noted the completed construction of a new concrete manure storage pit with concrete barriers in the alleyway at the calf pen to prevent manure and bedding process wastewater discharges at the north farm. Finally it was noted that vegetation was established in the north farm pasture area along the unnamed tributary to Spring Branch.

Please be advised that EPA is also in receipt of your first annual report for calendar year 2013 with proper statement of certification.

Thank you for completing the favorable responses to the issues that were initially identified during our March 9, 2012 inspection and for accompanying EPA as we observed those measures that Bremmer Farms, Inc. had completed in response to that inspection.

Please be advised that compliance with the terms of this Order does not affect Bremmer Farms, Inc.'s obligation to comply with the Clean Water Act (CWA) or any other laws or regulations, nor does it preclude further enforcement action pursuant to 33 U.S.C. § 1319 for the violations cited herein or any other violations committed by Bremmer Farms, Inc. Failure to comply with the Order may subject you to further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319 (a).

If you have any questions concerning this matter, please contact Jack Bajor of my staff at, (312) 353-4633 or by e-mail at bajor.john@epa.gov.

Sincerely,

Tinka G. Hyde

Director, Water Division

Enclosure

cc: Bud Bridgewater, IEPA

Lee Herrin, IEPA, Rockford Regional Office

CWA COMPLIANCE EVALUATION INSPECTION REPORT U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5

Purpose: Compliance Evaluation Inspection

Facility: Farms, Inc.

Ex. 6 (Personal Privacy)
Ex. 6 (Personal Privacy)

Jo Daviess County

NPDES Permit Number: None

Date of Inspection: October 2, 2014

EPA Representatives:

John "Jack" J. Bajor, Jr., Environmental Engineer (312) 353-4633

Joan Rogers, Environmental Scientist

(312) 886-2785

State Representatives: None

Facility Representatives:

Ex. 6 (Personal Privacy) Former Owner

Ex. 6 (Personal Privacy)

Owner, Vice President

Ex. 6 (Personal Privacy)

Ex. 6 (Personal Privacy)

Report Prepared By:

John "Jack" J. Bajor, Jr., Environmental Engineer (312) 353-4633

bajor.john@epa.gov

Report Date: March 13, 2015

Inspector Signature

BACKGROUND

The purpose of this report is to describe, evaluate and document the EPA inspection activities and findings resultant of an Animal feeding Operation (AFO) inspection conducted October 2, 2014 at [ACCIPATION Farms, Inc.

This inspection was a follow-up to a previous inspection conducted March 9, 2012 that resulted in EPA issuing Farms, Inc. an Administrative Consent Order (ACO), Docket No. V-W-12-AO-14.

Farms, Inc. is a heifer rearing facility for local dairies located a Ex. 6 (Personal Privacy) in Jo Daviess County, Illinois 61062. The facility is comprised of a north and south operation and has downsized capacity from 700 head of cattle to 488 head due to the loss of one of the local dairies.

The Farms, Inc. north and south facilities are both adjacent to an unnamed intermittent tributary to the Spring Branch, a perennial waterway tributary to the Pecatonica River, a water of the United States.

In summary, during the follow-up inspection of October 2, 2014, EPA witnessed that Farms, Inc. had addressed all of the allegations in the ACO.

During the March 9, 2012 inspection, the south farm areas of concern included a runoff pathway of manure and process wastewater from the outdoor heifer pen, a runoff pathway from the uncovered distillers and feed mixing pad area, and the silage and haylage storage sites. The areas of concern on the north farm included a runoff pathway of manure and process wastewater from the outdoor heifer pen, animals confined in an un-vegetated pasture with access to the unnamed tributary to Spring Branch and a runoff pathway of manure and process wastewater from feedlot areas and from the base of a manure alley at the old swine barn (calf shed) location. The previous inspection resulted in observing that the old swine barn, Inc. employed insufficient Best Management Practices (BMPs) with manure and bedding outside curb areas at the free stall barn at the south farm and at the calf shed at the north farm. The outdoor heifer pens at both farms were also found to have manure and process wastewater outside the containment areas of the pens.

SUMMARY OF FINDINGS

During the October 2, 2014 inspection EPA found that Farms, Inc. had favorably responded to correcting the areas of concern listed in the ACO as follows:

The South Farm:

- 1. The heifers in the outdoor pens are no longer at this facility. They were part of the downsizing.
- 2. The manure and used bedding that was pushed outside of the containment curbing at the free stall barn during former snow removal operation and maintenance (O&M) has been

cleaned and the snow removal process has since been changed and snow will no longer be pushed north, but into the existing concrete manure storage structure that is immediately adjacent to the east wall of the free stall barn. BMPs are now being employed by Farms, Inc. to contain manure and used bedding from being pushed outside of containment barriers.

- 3. The distillers that were found in the earlier inspection on the concrete pad outside of the commodities barn area have been relocated to the inside of the commodities barn. BMPs will now be used when mixing feed to ensure that there is no spillage. Any spilled feed will be cleaned up and loaded into the feed wagon, or placed back inside the commodities barn.
- 4. A berm has been constructed on the north side of the silage pile to prevent any leachate/process wastewater runoff from migrating to the north toward the unnamed tributary to Spring Branch. With the berm, storm water runoff is now directed to the east toward an open vegetated area and an existing crop area.

The North Farm:

- 1. The heifers in the outdoor pens have been removed. The only animals remaining are those in the calf shed which has now been upgraded with a new concrete containment alley and adjacent concrete manure storage structure for these animals.
- 2. The holes in the base of the manure alley from the old swine barn have been plugged with concrete plugs.
- Animals have been removed from the pasture and feed lot area. The pasture had been
 reseeded since the first inspection and contained sufficient vegetation on the day of the
 inspection along both areas of the unnamed tributary to Spring Branch.

SITE INSPECTION

The inspection began October 2, 2014 with Jack Bajor and Joan Rogers of EPA arriving at 10:52 AM to meet with Ex. 6 (Personal Privacy) at the south farm location for purpose of inspection. The state was invited but declined to be present for this inspection.

Before meeting with the government vehicle. Both inspectors covered their footwear with rubber boots per inspection protocol. EPA inspectors then introduced themselves to the explained the purpose of the inspection which was to confirm current compliance and inspect constructed improvements made since the last inspection relative to the deficiencies noted in the ACO.

The site inspection consisted of an office interview followed by a field inspection of both the south and north farms.

OFFICE INTERVIEW

After introductions, the invited the EPA inspectors into the office to allow the inspectors to ask questions, perform a records review and update information through use of the compliance evaluation inspection checklist. Before proceeding EPA asked if there were any Confidential Business Information (CBI) concerns. The Experimental Privacy responded that there were no CBI concerns.

Discussion topics during the office interview focused on current operations as related to operations since the last inspection. EPA asked for the current number of animals, the current waste storage and disposal volumes and practices and the capital and maintenance and operation changes made since the last EPA inspection of March 9, 2012. Records review included a discussion of the Comprehensive Nutrient Management Plan (CNMP) as maintained in the office.

The facility had reported 488 dairy heifers at the south farm free stall barn and approximately 20 calves at the north farm calf barn. The said the farm has a varying animal population in the previous 5 years of a maximum number of 700 animals in to a minimum number of 475.

Bremmer farms reported 1.26 million gallons (MG) of liquid manure generated per year. And 129 tons of solid manure generated per year.

It was noted that Ex. 6 (Personal Privacy) s the certified livestock manager for the facility.

The facility consists of 5 acres of production area and 30 acres of pasture.

Feed stocks stored at the south farm include silage, haylage and distillers that are now covered or placed in the commodity shed. Any spillage is now cleaned up following withdrawals from stockpiles and/or mixing operations.

1,628 spreadable acres are available for land application of manure.

The Comprehensive Nutrient Management plan (CNMP) is kept on site.

The facility does not hold an NPDES Permit. Many improvements were made since the last inspection. The owners have maintained BMP and they installed a berm on the south farm on the north side of the silage bags and removed heifers from the lower yard at the north farm.

Following discussions of operations in the office interview, the inspectors and the Bremmers proceeded outdoors to field inspect the farm beginning with the south facility.

FIELD INSPECTION

EPA conducted an on-site inspection of the north and south farms focusing our attention to the manner in which the had addressed the concerns EPA identified in the March 9, 2012 inspection. These concerns were listed as allegations in paragraph 27 of Administrative Order Docket No. V-W-12-AO-14.

SOUTH FARM

EPA started the field inspection at the outdoor heifer pen and proceeded south to the silage storage area then east to the haylage storage area. From the haylage storage area EPA proceeded north to the manure storage tank and free stall barn then west to the distiller mixing pad and commodity storage barn area.

OUTDOOR HEIFER PEN

Since the last inspection, all 50 heifers had been removed from the outdoor heifer pen as part of the downsizing due to the loss of an outside dairy farm contract. The last inspection revealed a potential of runoff of process wastewater from the pen area as manure and feed were not confined. Manure, food stock and bedding was found outside of the pen barrier and EPA noticed runoff pathways of manure and process wastewater migrating to the north from this site. This concern had been rectified by the removal of the animals due to downsizing and containing any potential tributary run-on of storm or process wastewater from the south by the installation of a berm extending 160 feet across the roadway between the east grain bin and free stall barn building. (See Attachment "A").

The pen was empty of any livestock and no manure, used bedding or remaining food stock was present at the site.

(No photographs were taken at the outdoor heifer pen).

SILAGE AND HAYLAGE STORAGE AREAS

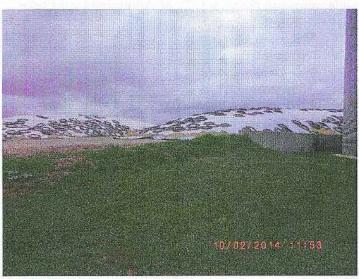
Since the last inspection, EPA observed that silage and haylage materials are now covered after withdrawal takes place. The last inspection noted that silage was spilled outside of the bags following withdrawal of silage and haylage materials and pockets of process wastewater were found along a runoff pathway to the north. The own now employ immediate cleanup of any spilled food stock. Additionally, and as mentioned above, the newly-constructed 160 foot berm prevents potential process wastewater runoff from the silage area from migrating north overland toward the unnamed tributary to the Spring Branch. Any process wastewater from the feed storage area now would flow overland to the east through a large vegetated area and several hundred feet of crop rows before it would approach the unnamed tributary to Spring Branch.

Both the silage and haylage storage areas were clean and food stock materials were covered at the time of EPA's October 2, 2014 re-inspection.

Farms, Inc.

EPA Inspection October 2, 2014

All photos taken by Joan Rogers, Environmental Scientist, U.S. EPA Camera: Nikon CoolPix



1: IMGP1405

Description: Covered silage. Location: Ex. 6 (Personal Privacy) South Farm

Camera Direction: SW

Date/Time: October 2, 2014 /11:53AM



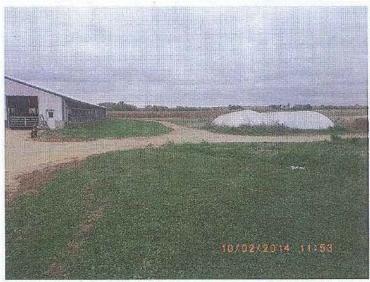
2: IMGP1406

Description: Haylage storage west of silage storage area and south of free stall barn. Haylage is all contained in plastic bags and rolls of haylage are sealed with a clear plastic material.

Location: South Farm

Camera Direction: East

Date/Time: October 2, 2014 / 11:53AM



Description: Overland slope to the east from the silage storage area Location: South Farm

Camera Direction: East

Date/Time: October 2, 2014 / 11:53AM



4: IMGP1408

Description: Looking uphill to covered silage storage area.

South Farm Location:

Camera Direction: West

Date/Time: October 2, 2014 / 11:54AM



Description: Looking uphill toward covered haylage storage area.

Location: South Farm

Camera Direction: West

Date/Time: October 2, 2014 / 11:55AM

Photographs 5 and 6 provide evidence of no existing process wastewater pathways and shows the owners as using BMPs by keeping haylage covered/sealed and keeping the staging area clean after haylage withdrawals.



6: IMGP1410

Description: Looking uphill toward covered haylage storage area.

Location: Ex. 6 (Personal Privacy) South Farm

Camera Direction: West

Date/Time: October 2, 2014 / 11:55AM

Looking west from this site the property topography is relatively flat but slopes toward the large expanse of open vegetated and crop areas and is located over a distance of approximately 1,000 feet to the unnamed tributary to Spring Branch.



7: IMGP1411

Description: Curvature point in the access road as the road turns north to the east side of the free stall barn, south of the concrete manure storage structure. Photograph 7 shows the expanse of vegetated and crop row areas toward the unnamed tributary to Spring Branch. Location:

South Farm

Camera Direction: East

Date/Time: October 2, 2014 / 11:55AM

Photo 8 illustrates additional extensive vegetated area west of the haylage stockpiles and north of access roadway. The unnamed tributary to Spring Branch lies approximately 1000 feet toward the horizon.



8: IMGP1412

Description: Vegetated area to the east of the concrete storage structure.

Location: Exemple South Farm Camera Direction: Northeast

Date/Time: October 2, 2014 / 11:59AM

FREE STALL BARN

The field inspection continued around the east side of the free stall barn and an inspection of the concrete manure storage structure was conducted at the northeast corner of the facility.

Photos 9, 10 and 11 show a two foot freeboard remaining in the concrete storage structure at time of re-inspection. The storage structure is located immediately east and adjacent to the free stall barn. It is fenced and receives manure, used bedding and process wastewater from the free stall barn.



Description: Concrete manure storage structure immediately adjacent and east of the free stall

barn.

Location: South Farm Camera Direction: Southeast

Date/Time: October 2, 2014 / 12:01PM



Date/Time: October 2, 2014

10: IMGP1414

Description: Concrete manure storage structure immediately adjacent and east of the free stall

barn.

Location: Ex. 8 (Personal Privacy) South Farm

Camera Direction: South

Date/Time: October 2, 2014 / 12:01PM



11: IMGP1415

Description: Concrete manure storage structure immediately adjacent and east of the free stall

Location South Farm
Camera Direction: Southeast

Date/Time: October 2, 2014 / 12:01 PM

Photos 12 and 13 show the area immediately north of the free stall barn.

During the re-inspection, EPA noted that there was now a healthy vegetated area to the north of the free stall barn that during the previous inspection was found to contain pockets of process wastewater with a pathway that ran toward the unnamed tributary to Spring Branch. The unnamed tributary to Spring Branch is located to the north of the areas in the photos.

The new berm as described earlier (Attachment A) was constructed by the owner since EPA's last inspection to intercept potential runoff from the silage storage area through the outdoor heifer pen area and to the area north of the free stall barn. Additionally, the owner had depopulated the outdoor heifer pen (old hog house on Attachment A) and has incorporated BMPs to keep the feed mixing pad clean after use. (Attachment A) and has incorporated BMPs mixing pad after each use and stores the distillers in the commodities shed. The initial EPA inspection found that uncovered distillers were stored outside and south of the hay storage barn (Attachment A). A process wastewater pathway was found at the initial inspection that ran through the mixing pad area to the east and migrated toward a drainage swale directing stormwater runoff to the unnamed tributary to Spring Branch.

No existing pathways of process wastewater were found at time of re-inspection and the area was graded to level the topography removing ruts and pockets.

Photo 14 shows the graded area north of the free stall barn.



Description: Free stall barn
Location: South Farm
Camera Direction: Southwest

Date/Time: October 2, 2014 / 12:02PM



13: IMGP1417

Description: Free stall barn

Location: South Farm

Camera Direction: Southwest

Date/Time: October 2, 2014 / 12:03PM



Description: Graded area south of free stall barn.

Location: South Farm

Camera Direction: West

Date/Time: October 2, 2014 / 12:04PM

Attachment A shows the drainage flow route running northwest from the northeast corner of the freestall building to the unnamed tributary to Spring Branch that had the potential to convey process wastewater from the site before Farms, Inc. had taken better operation and management practices regarding containment of manure, used bedding and food stocks at the sileage, haylage and distillers mixing area.



15: IMGP1419

Description: Indoor distillers storage in commodities barn at pad mixing area.

Location: South Farm

Camera Direction: North

Date/Time: October 2, 2014 / 12:04PM



Description: Distillers mixing pad area.

Location: South Farm Camera Direction: Southeast

Date/Time: October 2, 2014 / 12:05PM

EPA and the owners finished inspection with the south farm and then proceeded to the north farm to inspect improvements as completed since the last initial inspection conducted March 9, 2012.

NORTH FARM

OUTDOOR HEIFER PEN (LOWER YARD)



17: IMGP1421

Description: Outdoor heifer pen. Location: Exercise Privated North Farm Camera Direction: Northeast

Date/Time: October 2, 2014 / 12:09PM

The initial March 9, 2012 inspection found that a potential process wastewater runoff pathway was routing with surface stormwater runoff from the north and intersecting with portions of the west side of the outdoor heifer pen with uncontained manure. This runoff was directed into a storm manhole. From the manhole, the flow went under the access roadway through a crossroad culvert that discharged into the unnamed tributary to Spring Branch.

Results for samples collected at time of the March 9, 2012 inspection determined that the puddles along a flow path extending north to the calf shed contained pollutants.

During the re-inspection on October 2, 2014, EPA noted that all animals have been removed from the outside heifer pen (Photos 17 and 18) on the north farm with the exception of the calves in the calf shed. The pen area was found to be clean of manure, used bedding or feed on the day of the inspection.



Description: Animals have been removed from the outdoor heifer pen.

Location: Ex. 8 (Personal Privacy) North Farm

Camera Direction: South

Date/Time: October 2, 2014 / 12:09PM

(Note the new equipment building in the background of photograph 18 that had been erected since the intial EPA inspection).

PASTURE AND FEEDLOT AREA

Photographs 19, 20, 21 and 22 show that animals have been removed from the pasture and feedlot area.

The unnamed tributary to Spring Branch runs through the pasture and accepts storm water. This unnamed tributary runs south under Loran road to the south farm then travels to the southwest.

During the March 9, 2012 inspection, EPA documented that due to non-containment issues from the heifer pen and calf shed, manure and process wastewater also flowed to the tributary.

The pasture has since been successfully reseeded with established vegetation.



Description: Unnamed tributary flowing south through now-vegetated land that was denuded

of vegetation at previous March 9, 2012 inspection.

Location: Ex. 8 (Personal Privacy) North Farm

Camera Direction: West

Date/Time: October 2, 2014 / 12:10PM



20: IMGP1424

Description: New vegetated pasture bisected by unnamed tributary to Spring Branch.

Location: Ex. 8 (Personal Privacy) Vorth Farm Camera Direction: Southeast

Date/Time: October 2, 2014 / 12:10PM



21: IMGP1425

Description: Access road to north farm. Location. Ex. 6 (Personal Privacy) North Farm

Camera Direction: South

Date/Time: October 2, 2014 / 12:10PM



22: IMGP1426

Description: Unnamed tributary flowing south through new vegetated pasture to Spring

Branch.

Location: Ex. 6 (Personal Privacy) North Farm Camera Direction: Southeast

Date/Time: October 2, 2014 / 12:11PM

CALF SHED IMPROVEMENTS

As an interim measure Farms, Inc. plugged the holes found in the containment walls at the calf barn shortly after the initial inspection. Since then, a new concrete scrape alley with adequate concrete containment barriers has been constructed as part of the capital improvements at the north farm.

Photographs 23 through 28 document the new improvements.



23: IMGP1427

Description: Access road to north farm and owner's residence showing calf shed and new manure storage structure to the southwest of calf shed.

Location: Ex. 6 (Personal Privacy) North Farm

Camera Direction: North

Date/Time: October 2, 2014 / 12:12PM



24: IMGP1428

Description: New cleaning alley with barrier curbing/wall from calf shed to new concrete manure storage structure. The calf shed non-containment issue has been resolved with the construction of a new scraping alley with containment curbs that leads to a new concrete, manure storage structure for the calf shed.

Location: North Farm

Camera Direction: East

Date/Time: October 2, 2014 / 12:15PM



25: IMGP1429

Description: Calf shed east outside area and new concrete cleaning apron with barrier curbs.

Location: Ex. 6 (Personal Privacy) North Farm

Camera Direction: North

Date/Time: October 2, 2014 / 12:15PM



26: IMGP1430

Description: Drainage gutter discharge structure from calf barn roof gutters. This structure accepts roof runoff from the calf shed and directly discharges the storm water under the concrete scrape alley and apron to avoid intersection with any possible sources of process wastewater materials from migrating offsite to the south.

Location: Ex. 6 (Personal Privacy) North Farm

Camera Direction: Down

Date/Time: October 2, 2014 / 12:15PM



27: IMGP1431

Description: New access pavement to the cleaning alley and new concrete manure storage tank at calf shed location.

Location: Ex. 6 (Personal Privacy) North Farm

Camera Direction: Down

Date/Time: October 2, 2014 / 12:15PM



Description: Cleaning alley and barrier structure allowing for the separation of solids and for pushing of manure into the new concrete manure storage structure. The new concrete north farm manure storage manure/used bedding is transported to the south storage pit. This was last done in May, 2014.

Location: Ex. 6 (Personal Privacy) North Farm

Camera Direction: Down October 2, 2014 / 12:16PM

ATTACHMENTS

"Attachment "A", Completed Contour Map prepared by Wagner Consulting & Agriculture showing the constructed berm and contours.

ATTACHMENT A

